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APPLICATION NO:	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,983	04/05/2000	RALPH ROGIER DE LA BRETONIERE	BO41539	9140

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[REDACTED] EXAMINER

WON, YOUNG N

[REDACTED] ART UNIT 2155

[REDACTED] PAPER NUMBER 6

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/509,983	DE LA BRETONIERE, RALPH ROGIER
	Examiner	Art Unit
	Young N Won	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 February 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1-9 have been examined.
  
2. Objection to the abstract has been withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Green et al. (US 6003084 A).

As per claim 1, Green teaches a method for protecting data communication, traffic through a communication link (see col.1, lines 10-11) between a first communication station (11) (see Fig.2, #216; and col.7, lines 60-62) and a second communication station (12) (see Fig.2, #214; and col.7, lines 60-62), in which the data is dispatched according to a data protocol from the second communication station to the first communication station (see col.5, lines 29-32), comprising the steps of: (i) receiving the data from the second communication station (12) in a data communication protection device (10) (see col.7, lines 63-66 and col.8, lines 16-17); (ii) comparing the data protocol of the data with at least one standardized protocol in the data communication protection device (10) (see col.8, line 66 to col.9, line 5), characterized by (iii) providing the data communication protection device (10) in the communication link, the data from the second communication station (12) to the first communication station (11) passing through the data communication protection device (10) (see col.9, lines 6-8); and (iv) forwarding data of which the data protocol complies with the at least one standardized protocol from the data communication protection device (10) to the first communication station (11) (see col.9, lines 41-43), and not forwarding data of which the data protocol does not comply with the at least one standardized protocol from the data communication protection device to the first communication station (see col.10, lines 40-43, lines 48-57, & lines 60-61; and col.12, lines 14-19) by physically interrupting the communication link between the first communication station (11) and the second communication station (12) (see col.10, lines 43-47, 51, and 56-57). It is inherent that when connections are closed, the communication links are terminated

either physically or electronically and therefore does not patentably distinguish the invention.

As per claim 4, Green teaches of a data communication protection device (10) (see Fig.1 and col.7, lines 36-47) arranged for protecting data communication traffic between a first communication station (11) (see Fig.2, #216; and col.7, lines 60-62) and a second communication station (12) (see Fig.2, #214; and col.7, lines 60-62), data being dispatched according to a data protocol from the second communication station to the first communication station (see col.5, lines 29-32), the data communication protection device comprising memory means (14) for storing data characteristics of at least one standardized protocol (see col.7, lines 51-57), the data communication protection device (10) further being arranged for comparing the data protocol of the data with the at least one standardized protocol (see col.8, line 66 to col.9, line 5), characterized in that the data communication protection device (10) further comprises a first link for linking the data communication protection device (10) to the first communication station (21), and a second link for linking the data communication protection device (10) to the second communication station (12) (see Fig.2 and Fig.3b), the data passing from the second communication station to the first communication station through the data communication protection device (see col.9, lines 6-10 and col.9, lines 41-43); comparison/forwarding means (15) for forwarding data received through the second link of which the data protocol complies with the at least one standardized protocol from the data communication protection device (10) through the first link (see col.9, lines 41-43), and not forwarding data of which the data protocol does

not comply with the at least one standardized protocol from the data communication protection device (10) through the first link (see col.10, lines 40-43, lines 48-57, & lines 60-61; and col.12, lines 14-19) by physically interrupting the communication link between the first communication station (11) and the second communication station (12) (see col.10, lines 43-47, 51, and 56-57). It is inherent that when connections are closed, the communication links are terminated either physically or electronically and therefore does not patentably distinguish the invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6003084 A) in view of Azuma et al. (US 6430150 B1).

As per claims 2 and 5, Green teaches all the limitations except that, after it has emerged during the comparison/forwarding means of the data protocol that the latter does not comply with the at least one standardized protocol, a warning means is generated. Azuma teaches of a warning means (see col.9, lines 23-25 & lines 29-32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Azuma within the system of Green, by implementing a warning mechanism within the data communication protection device and method because this would allow for a notification mechanism to either an administrator or even a device such as a firewall, to take the necessary steps to avoid a possible hacker. By merely adding a warning mechanism does not patentably distinguish an invention over prior art because the alarming means is by choice rather than a necessity.

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6003084 A) in view of Engel (US 5124984 A).

As per claim 3, Green further teaches all the limitations except that, after it has emerged during the comparison of the data protocol that the latter does not comply with the at least one standardized protocol, a data file containing data of the data communication traffic and the second communication station (12) is stored. Engel teaches of storing all access into a list (see Fig.3, #110; col.4, lines 42-45; and col.10, lines 50-51). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Engel within the system of Green, by storing the not forwarding data within the data communication protection method because; this would allow for the device to keep a record of possible unauthorized communication stations; due to network problems, avoid having to buffer

the data again; or use this data to generate a reply (see Green: col.10, line 60 to col.11, line 4).

As per claim 8, Green further teaches of a device, characterized in that the device comprises interface means (see col.7, lines 44-47) for exchanging data relating to the data communication traffic and the second communication station (12) with an external processing device (see col.10, lines 9-16). Green does not teach that the data are stored after it has emerged during the comparison of the data protocol that the latter does not comply with the at least one standardized protocol. Engel teaches of storing all access into a list (see Fig.3, #110; col.4, lines 42-45; and col.10, lines 50-51). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Engel within the system of Green, by storing the not forwarding data within the data communication protection device because; this would allow for the device to keep a record of possible unauthorized communication stations; due to network problems, avoid having to buffer the data again; or use this data to generate a reply (see Green: col.10, line 60 to col.11, line 4).

6. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6003084 A) in view of Boebert et al. (US 5864683 A) and Engel (US 5124984 A).

As per claim 6, Green teaches all the limitations except that the device furthermore comprises display means (17) linked to the comparison/forwarding means

(15), the display means (17) displaying data relating to the data communication traffic and the second communication station (12), which data are stored after it has emerged during the comparison of the data protocol that the latter does not comply with the at least one standardized protocol. Boebert teaches display means, the display means displaying data relating to the data communication traffic and the second communication station (see col.13, lines 22-28). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Boebert within the system of Green, by displaying data relating to the both communication stations within the data communication protection device because Green teaches of monitoring the communications (see Green: col.2, line 14; col.5, line 39; and col.11, lines 57-60) and a visual display is another form of monitoring which can be performed. Engel teaches of storing all access into a list (see Fig.3, #110; col.4, lines 42-45; and col.10, lines 50-51). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Engel within the system of Green, by storing the not forwarding data within the data communication protection device because; this would allow for the device to keep a record of possible unauthorized communication stations; due to network problems, avoid having to buffer the data again; or use this data to generate a reply (see Green: col.10, line 60 to col.11, line 4).

7. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6003084 A) in view of Boebert et al. (US 5864683 A).

As per claim 7, Green teaches of does not teach that the device furthermore comprises input means (18) linked to the comparison/forwarding means (15) for inputting commands relating to the display of the data. Boebert teaches of input means for inputting commands relating to the display of the data (see col.13, lines 22-28). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Boebert within the system of Green, by comprising an input means for inputting commands within the data communication protection device because Green teaches of monitoring the communications (see Green: col.2, line 14; col.5, line 39; and col.11, lines 57-60) and a visual display is another form of monitoring which can be performed. Furthermore, a display is only used when there is a person using it such as an administrator, therefore, would also have the ability to override or make changes to the system by means of an input apparatus.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. (US 6003084 A) in view of Barr (US 4763357 A).

As per claim 9, Green teaches all the limitations except that the device is integrated in the first communication station. Barr teaches of a secure communication device integrated at each station (see abstract, 2<sup>nd</sup> and 3<sup>rd</sup> sentence; and col.9, lines 9-

11). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Barr within the system of Green, by integrating the device in the first communication center within the data communication protection device because this would allow for each station to control all communications into and out of that particular station and reduce cost by reducing the need for a plurality of devices for a plurality of communication connections.

#### ***Response to Arguments***

9. In response to claims 1 and 4, the amendment does recite a patentable feature of the invention. Any reference whereby a physical disconnecting of communication between two nodes could easily have been applied as well as a person disconnecting a communication link. Such limitation is neither patentable nor considered an invention because such action is performed or in use currently in the industry.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won

  
April 22, 2003

  
AYAZ SHEIKH  
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